



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,723	04/11/2001	Christopher J. Murray	GC617-2	9743

5100 7590 06/26/2003

GENENCOR INTERNATIONAL, INC.
ATTENTION: LEGAL DEPARTMENT
925 PAGE MILL ROAD
PALO ALTO, CA 94304

EXAMINER

TRAN, MY CHAU T

ART UNIT

PAPER NUMBER

1639

DATE MAILED: 06/26/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

09/832,723

Applicant(s)

MURRAY ET AL.

Examiner

My-Chau T. Tran

Art Unit

1639

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-32 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 1. Claims 1-2, 6-8, and 10-19, drawn to a method for screening a peptide with the method steps of separating unbound peptides and contacting the unbound peptides with a selected target, classified in class 435, subclass 7.1.
 2. Claims 3-5, and 6-19, drawn to a method for screening a peptide with the method step of contacting the peptide library with a selected target and anti-target, classified in class 435, subclass 7.93.
 3. Claim 20, drawn to a peptide, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
 4. Claim 21, drawn to a peptide with SEQ ID NOS 3, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
 5. Claim 21, drawn to a peptide with SEQ ID NOS 4, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
 6. Claim 21, drawn to a peptide with SEQ ID NOS 5, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
 7. Claim 21, drawn to a peptide with SEQ ID NOS 6, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
 8. Claim 21, drawn to a peptide with SEQ ID NOS 7, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

9. Claim 21, drawn to a peptide with SEQ ID NOS 8, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
10. Claim 21, drawn to a peptide with SEQ ID NOS 9, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
11. Claim 21, drawn to a peptide with SEQ ID NOS 10, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
12. Claim 21, drawn to a peptide with SEQ ID NOS 11, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
13. Claim 21, drawn to a peptide with SEQ ID NOS 12, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
14. Claim 21, drawn to a peptide with SEQ ID NOS 13, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
15. Claim 21, drawn to a peptide with SEQ ID NOS 14, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
16. Claim 21, drawn to a peptide with SEQ ID NOS 15, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
17. Claim 21, drawn to a peptide with SEQ ID NOS 16, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
18. Claim 21, drawn to a peptide with SEQ ID NOS 17, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
19. Claim 21, drawn to a peptide with SEQ ID NOS 79, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

20. Claim 21, drawn to a peptide with SEQ ID NOS 80, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
21. Claim 21, drawn to a peptide with SEQ ID NOS 81, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
22. Claim 21, drawn to a peptide with SEQ ID NOS 82, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
23. Claim 21, drawn to a peptide with SEQ ID NOS 83, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
24. Claim 21, drawn to a peptide with SEQ ID NOS 84, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
25. Claim 21, drawn to a peptide with SEQ ID NOS 85, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
26. Claim 21, drawn to a peptide with SEQ ID NOS 86, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
27. Claim 21, drawn to a peptide with SEQ ID NOS 87, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
28. Claim 21, drawn to a peptide with SEQ ID NOS 88, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
29. Claim 21, drawn to a peptide with SEQ ID NOS 89, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
30. Claim 21, drawn to a peptide with SEQ ID NOS 90, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

31. Claim 21, drawn to a peptide with SEQ ID NOS 91, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
32. Claim 21, drawn to a peptide with SEQ ID NOS 92, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
33. Claim 21, drawn to a peptide with SEQ ID NOS 93, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
34. Claim 21, drawn to a peptide with SEQ ID NOS 94, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
35. Claim 21, drawn to a peptide with SEQ ID NOS 95, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
36. Claim 21, drawn to a peptide with SEQ ID NOS 96, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
37. Claim 21, drawn to a peptide with SEQ ID NOS 97, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
38. Claim 21, drawn to a peptide with SEQ ID NOS 98, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
39. Claim 21, drawn to a peptide with SEQ ID NOS 99, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
40. Claim 21, drawn to a peptide with SEQ ID NOS 100, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
41. Claim 21, drawn to a peptide with SEQ ID NOS 101, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

42. Claim 21, drawn to a peptide with SEQ ID NOS 102, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
43. Claims 22-23, and 25-26, drawn to a method for identifying peptides with the method step of identifying the stain bound peptides, classified in class 435, subclass 7.8.
44. Claim 24, drawn to a cleaning composition, classified in class 510, subclass 130.
45. Claim 27, drawn to a peptide with a K_D in the range of about 10^{-7} M to 10^{-10} M, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
46. Claim 28, drawn to a peptide with SEQ ID NOS 18, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
47. Claim 28, drawn to a peptide with SEQ ID NOS 19, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
48. Claim 28, drawn to a peptide with SEQ ID NOS 20, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
49. Claim 28, drawn to a peptide with SEQ ID NOS 21, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
50. Claim 28, drawn to a peptide with SEQ ID NOS 22, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
51. Claim 28, drawn to a peptide with SEQ ID NOS 23, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

52. Claim 28, drawn to a peptide with SEQ ID NOS 24, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
53. Claim 28, drawn to a peptide with SEQ ID NOS 25, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
54. Claim 28, drawn to a peptide with SEQ ID NOS 26, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
55. Claim 29, drawn to a peptide with SEQ ID NOS 50, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
56. Claim 29, drawn to a peptide with SEQ ID NOS 51, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
57. Claim 29, drawn to a peptide with SEQ ID NOS 52, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
58. Claim 29, drawn to a peptide with SEQ ID NOS 53, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
59. Claim 29, drawn to a peptide with SEQ ID NOS 54, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
60. Claim 29, drawn to a peptide with SEQ ID NOS 55, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
61. Claim 29, drawn to a peptide with SEQ ID NOS 56, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
62. Claim 29, drawn to a peptide with SEQ ID NOS 57, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

63. Claim 29, drawn to a peptide with SEQ ID NOS 58, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
64. Claim 29, drawn to a peptide with SEQ ID NOS 59, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
65. Claim 29, drawn to a peptide with SEQ ID NOS 60, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
66. Claim 29, drawn to a peptide with SEQ ID NOS 61, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
67. Claim 29, drawn to a peptide with SEQ ID NOS 62, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
68. Claim 29, drawn to a peptide with SEQ ID NOS 63, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
69. Claim 30, drawn to a peptide with SEQ ID NOS 64, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
70. Claim 30, drawn to a peptide with SEQ ID NOS 65, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
71. Claim 30, drawn to a peptide with SEQ ID NOS 66, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
72. Claim 30, drawn to a peptide with SEQ ID NOS 67, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
73. Claim 30, drawn to a peptide with SEQ ID NOS 68, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

74. Claim 30, drawn to a peptide with SEQ ID NOS 69, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
75. Claim 30, drawn to a peptide with SEQ ID NOS 70, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
76. Claim 30, drawn to a peptide with SEQ ID NOS 71, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
77. Claim 30, drawn to a peptide with SEQ ID NOS 72, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
78. Claim 30, drawn to a peptide with SEQ ID NOS 73, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
79. Claim 30, drawn to a peptide with SEQ ID NOS 74, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
80. Claim 30, drawn to a peptide with SEQ ID NOS 75, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
81. Claim 30, drawn to a peptide with SEQ ID NOS 76, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
82. Claim 30, drawn to a peptide with SEQ ID NOS 77, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
83. Claim 31, drawn to a peptide with SEQ ID NOS 29, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
84. Claim 31, drawn to a peptide with SEQ ID NOS 30, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

85. Claim 31, drawn to a peptide with SEQ ID NOS 31, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
86. Claim 31, drawn to a peptide with SEQ ID NOS 32, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
87. Claim 31, drawn to a peptide with SEQ ID NOS 33, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
88. Claim 31, drawn to a peptide with SEQ ID NOS 34, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
89. Claim 31, drawn to a peptide with SEQ ID NOS 35, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
90. Claim 31, drawn to a peptide with SEQ ID NOS 36, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
91. Claim 31, drawn to a peptide with SEQ ID NOS 37, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
92. Claim 31, drawn to a peptide with SEQ ID NOS 38, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
93. Claim 31, drawn to a peptide with SEQ ID NOS 39, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
94. Claim 31, drawn to a peptide with SEQ ID NOS 40, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
95. Claim 31, drawn to a peptide with SEQ ID NOS 41, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

96. Claim 31, drawn to a peptide with SEQ ID NOS 42, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
97. Claim 31, drawn to a peptide with SEQ ID NOS 43, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
98. Claim 31, drawn to a peptide with SEQ ID NOS 44, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
99. Claim 31, drawn to a peptide with SEQ ID NOS 45, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
100. Claim 31, drawn to a peptide with SEQ ID NOS 46, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
101. Claim 31, drawn to a peptide with SEQ ID NOS 47, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
102. Claim 31, drawn to a peptide with SEQ ID NOS 48, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
103. Claim 31, drawn to a peptide with SEQ ID NOS 49, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
104. Claim 32, drawn to a peptide with SEQ ID NOS 103, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
105. Claim 32, drawn to a peptide with SEQ ID NOS 104, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
106. Claim 32, drawn to a peptide with SEQ ID NOS 105, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

Art Unit: 1639

107. Claim 32, drawn to a peptide with SEQ ID NOS 106, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
108. Claim 32, drawn to a peptide with SEQ ID NOS 107, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
109. Claim 32, drawn to a peptide with SEQ ID NOS 108, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
110. Claim 32, drawn to a peptide with SEQ ID NOS 109, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
111. Claim 32, drawn to a peptide with SEQ ID NOS 110, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
112. Claim 32, drawn to a peptide with SEQ ID NOS 111, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
113. Claim 32, drawn to a peptide with SEQ ID NOS 112, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.
114. Claim 32, drawn to a peptide with SEQ ID NOS 113, classified in numerous subclasses of classes 530 series depending on the structure of the peptide.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions of Groups 1, 2, and 43 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the

Art Unit: 1639

instant case the different inventions as claimed have different method steps that have different functions, different effects, and modes of operation.

The method steps of separating unbound peptides and contacting the unbound peptides with a selected target of Group 1 is not required by the claims of Groups 2 and 43. The method step of contacting the peptide library with a selected target and anti-target of Group 2 is not required by the claims of Groups 1 and 43. The method step of identifying the stain bound peptides of Group 43 is not required by the claims of Groups 1 and 2.

3. Inventions of Groups 3-42 and 44-114 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different peptides and composition (Group 44) as claimed have different structures, different functions and different effects.

4. Inventions of Groups 1, 2, and 43 (process) and Groups 3-42, and 44-114 (product) are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product (peptide) as claimed can be used in a materially different process of using that product. For example the “peptide” could be used as a probe for membrane fluidity measurements or identifying DNA.

Art Unit: 1639

5. Because these inventions are distinct for the reasons given above and the searches required are not co-extensive thus requiring a burdensome search, restriction for examination purposes as indicated is proper. Additionally, different patentability considerations are involved for each group. For example, a patentability determination for Group 44 would involve a determination of the patentability of the combination of a composition comprised of a peptide and a surfactant (independent of its use) while a patentability determination for Group 110 would involve a consideration of the patentability of a peptide with SEQ ID NOS 109. These considerations are very different in nature.

Even though some of the groups are classified in the same class/subclass, this has no effect on the non-patent literature search. Different groups would require completely different searches in non-patent databases, and there is no exception that the searches would be co-extensive.

6. This application contains claims directed to the following patentably distinct species of the claimed invention:

7. If applicants elect the invention of **either Group 1 (Claims 1-2, 6-8, and 10-19), Group 2 (Claims 3-5, and 6-19), or Group 43 (Claims 22-23, and 25-26)**, applicants are required to further elect *one* species from *each* group below:

a. A **single** specific anti-target.

b. A **single** specific target.

The species are distinct, each from the other, because each species have different chemical structure and/or physiochemical properties and would be capable of separate

Art Unit: 1639

manufacture and/or use; and would necessitate different and separately burdensome manual and computer bibliographic and structure searches in both patent and non-patent areas.

For this response to be complete and for search purposes, applicants should provide the chemical structure of elected compounds or composition or species, wherein each specific formula substituents of each of the above identified elected species are defined either by picture, or by expressing the species in terms of the variables of the formula.

8. Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

9. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Art Unit: 1639

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

10. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

11. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to My-Chau T. Tran whose telephone number is 703-305-6999. The examiner is on ***Increased Flex Schedule*** and can normally be reached on Monday: 8:00-2:30; Tuesday-Thursday: 7:30-5:00; Friday: 8:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew J. Wang can be reached on 703-306-3217. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications.

Application/Control Number: 09/832,723

Page 17

Art Unit: 1639

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1123.

mct

June 24, 2003


PADMASHRI PONNALURI
PRIMARY EXAMINER